



REPORT OF KATHRYN MEANS, MD, CMD, CHCQM

Bailey et al. v. Livingston et al.



OCTOBER 12, 2015

his medical conditions and the effects of his medications on his ability to thermoregulate, Mr. Cole's health is endangered when he is confined in such hot conditions.” (paragraph #120). Based on my review of Mr. Cole's medical records, it is my opinion that he is NOT at "extremely high risk" of heatstroke or other serious heat-related illness in the inmate housing at the Pack Unit. Given his medical conditions and medications do NOT affect his ability to thermoregulate and he has many factors that mitigate any potential risk for heat-related illness, Mr. Cole's health is NOT endangered at the Pack Unit, as long as he takes care of himself and follows medical recommendations.

Documentation in the medical records does not support allegations that Offender Cole has experienced heat-related illness (i.e., heat exhaustion or heat stroke) at the Pack Unit. His symptoms are due to other medical reasons besides heat. His chronic medical conditions are not exacerbated in the summer. He is not physically disabled. He is able to thermoregulate and cool his body. It is my opinion, based on my current understanding and review of the medical records and literature, and given his medical condition, medications, and heat relief measures available at the Pack Unit that it is highly unlikely Offender Cole will experience a heat-related illness if he takes care of himself and follows medical recommendations, and is, therefore, without a substantial risk for future heat-related illness in his current situation.

The above opinion is based upon review of the materials provided and reasonable medical probability. I reserve the right to amend this report should additional information become available.

III. PLAINTIFF DEAN ANTHONY MOJICA

Allegations include the following: (1) during the summer, Offender Mojica stated that he often gets headaches and muscle cramps. He also stated that he sweat throughout the hot days, even resting indoors, and feel fatigued more easily. Occasionally, even breathing is difficult because of the heat. (2) Offender Mojica stated that he has also gotten sick and thrown up because of the heat. (3) Dr. Vassallo stated that "If he was prescribed these drugs (i.e., mental health medications) in the past, he is not currently prescribed anything that would increase his susceptibility to heat-related illness or injury above the susceptibility any human being would suffer when exposed to the extreme heat at the Pack Unit." I reviewed Plaintiff Mojica's medical records, Plaintiffs' Original Complaint, Plaintiffs' Amended Complaint, Plaintiff Mojica's deposition dated September 3, 2015, Declarations of Dean Anthony Mojica, Dr. Vassallo's Expert Report, and an attached list of other documents including articles. Below is a summary of his medical condition, my findings and opinions.

BACKGROUND

Offender Dean Anthony Mojica, TDCJ #1102947 is a Hispanic male born in Fort Worth, Texas on March 8, 1966. He worked outdoors as a pipe fitter and later as an electrician in the Fort Worth, Texas and Austin, Texas area. In about 1994 or 1995, he experienced an